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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRINCIPAL LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

VINA CUESTA STATUA, INOCENCIO
S. AMBE, CORAZON AMBE
CABALES, ESTELA D. REED, and
DOES 1-10,

Defendants.

ESTELA D. REED,

Cross-claimant,

vs.

VINA CUESTA STATUA, INOCENCIO
S. AMBE, and CORAZON AMBE
CABALES,

Cross-defendants.

Case No. C-07-4915 CW

DECLARATION OF MONTIE
S. DAY IN SUPPORT OF
MOTION FOR THE COURT
ENTRY OF DEFAULT OF
INOCENCIO S. AMBE ON
CROSS-CLAIM OF ESTELA
D. REED

I, Montie S. Day, declare:

1. I am an attorney duly admitted to practice law in the State of California and before

1 this Court. I make this declaration upon personal knowledge, am competent to testify, and
2 if called as a witness, will testify as to the matters set forth herein.

3 2. In the instant action filed by Principal Life Insurance Company, one of the
4 defendants was Inocencio S. Ambe, identified as a resident of the Philippines. Mr. Inocencio
5 S. Ambe's residence address was 907 Paroba Street, Santa Maria Sta. Ana, 2022 Pamanga,
6 Philippines.

7 3. In connection with the instant matter, I caused to be filed on behalf of Estella
8 D. Reed a cross-claim naming those persons who may have an interest in the proceeds for
9 the insurance policy as described in the complaint, and specifically named as cross-defendant
10 Inocencio S. Ambe as a Cross-defendant. (See Answer and Cross-Claim of Estella Reed,
11 Request for Judicial Notice)

12 4. On December 20, 2007, pursuant to *Federal Rules of Civil Procedures, Rule*
13 *4(f)(2)*, I caused the Summons on Cross-Claim and Estela D. Reed's Answer to Complaint
14 and Cross-Claim of Estela D. Reed to be expressed to INOCENCIO S. AMBE, defendant
15 and cross-claim defendant, by depositing, in Williams, California 95987, such duly addressed
16 for delivery by **United Parcel Service Worldwide Express**, bearing **UPS Tracking**
17 **Number J167 274 194 8**. A copy of such shipping document bearing the Tracking Number
18 is attached hereto as **Exhibit A**.

19 5. I diligently tracked the shipment of the above via UPS Tracking, and the above
20 **documents were delivered as addressed on December 27, 2007** and posted on the UPS
21 Tracking Service on **December 28, 2007**. A copy of the UPS Track Shipment Confirmation
22 of Delivery is attached hereto as **Exhibit B**. The UPS Tracking Shipment Confirmation of
23 Delivery shows that the package was delivered on December 27, 2007 at **10:36 a.m.** and
24 signed for by Natividad Lulu.

25 6. Prior to service by UPS delivery, I researched the service and determined that the
26 Philippines is NOT a signatory to the "Convention on the Service of Judicial and
27 Extrajudicial Documents in Civil or Commercial Matters", better known as the "Hague
28

1 Convention". Accordingly, Rule 4(f)(2) provides for effective service not within the judicial
2 district of the United States, if there is no internationally agreed means of service (Hague
3 Convention), provided that service is reasonably calculated to give notice (2)(c) unless
4 prohibited by the laws of the foreign country, by delivery to the individual personally of a
5 copy of the summons or complaint", or "(3) by any means not prohibited by international
6 agreement as may be directed by the Court."

7 *Rule 4(l)* provides that Proof of Service under Rule 4 (f)(2) or (3) "**include evidence**
8 **of delivery to the addressee satisfactory to the Court.**"

9 Wherefore, your declarant requests the Court approve the manner of service as giving
10 reasonable notice and showing reasonable proof of delivery such as to enter the default of
11 the Cross-Defendant INOCENCIO S. AMBE.

12 I declare under the penalties of perjury the forgoing is true and correct, and that I have
13 executed this declaration on March 10, 2008 at Williams, California.

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15 /s/ Montie S. Day

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17 Montie S. Day, Attorney
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